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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Michael J. Young et al.
Application No. : 09/913,427
Filed : October 12, 2001
For : INTEGRATION OF TRANSPLANTED NEURAL PROGENITOR CELLS
INTO NEURAL TISSUE OF IMMATURE AND MATURE
DYSTROPHIC RECIPIENTS
Attorney's Docket : ERI-113XX

Group Art Unit:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231 on

By: _____

Registration No.

Attorney for Applicant(s)

INFORMATION DISCLOSURE STATEMENT

Box PCT
Commissioner for Patents
Washington, D.C. 20231

Sir:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

- [X] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

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- ☒ (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- ☐ (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- ☐ (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
- ☐ a statement under 37 CFR § 1.97(e); or
- ☐ the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- ☐ (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(i).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- ☐ (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- ☐ (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Application No. 09/913,427

Filed: October 12, 2001

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These references were cited in an International Search Report (copy enclosed) which issued in Application No. PCT/US00/03534 filed on the October 12, 2001.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

MICHAEL J. YOUNG ET AL.

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Date: Oct. 12, 2001

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Date: October 12, 2001

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| Form PTO-1449 (REV. 07/01) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i> | ATTY. DOCKET NO. ERI-113XX | APPLICATION NO. 09/913,427 |
| | APPLICANT: Michael J. Young et al. | |
| | FILING DATE October 12, 2001 | GROUP |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE* |
|---------------------|-----------------|------|------|-------|----------|--------------------------------|
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES NO |
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OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

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| * | Matthew J. During et al., "Towards Gene Therapy for the Central Nervous System", Molecular Medicine Today, Vol. 4, No. 11, PP. 485-493 (1998) |
| * | Alberto Martinez-Serrano et al., "CNS-Derived Neural Progenitor Cells for Gene Transfer of Nerve Growth Factor to the Adult Rat Brain: Complete Rescue of Axotomized Cholinergic Neurons after Transplantation into the Septum", The Journal of Neuroscience, Vol. 15, No. 8, PP. 5668-5680 (1995) |
| * | Alberto Martinez-Serrano et al., "Immortalized Neural Progenitor Cells for CNS Gene Transfer and Repair", Trends in Neuroscience, Vol. 20, No. 11, PP. 530-538 (1997) |
| * | Evan Y. Snyder et al., "Neural Progenitor Cell Engraftment Corrects Lysosomal Storage throughout the MPS VII Mouse Brain", Nature, Vol. 374, PP. 367-370 (1995) |
| * | Masayo Takahashi et al., "Widespread Intergration and Survival of Adult-Derived Neural Progenitor Cells in the Developing Optic Retina", Molecular and Cellular Neuroscience, Vol. 12, PP. 340-348 (1998) |

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| EXAMINER | DATE CONSIDERED |
| *EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |

* References cited in PCT International Application No. PCT US00 03534 which was published on 17 August 2000.

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